UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,695	01/02/2004	Samuel N. Zellner	030391 (BLL-0125)	4104

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EXAMINER
NGUYEN, NGA B

ART UNIT	PAPER NUMBER
3684	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/750,695	ZELLNER ET AL.
	Examiner	**Art Unit**	
	Nga B. Nguyen	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *24 July 2009*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12 and 15-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-12 and 15-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is the answer to the Amendment filed on July 24, 2009, which

paper has been placed of record in the file.

2.   Claims 1-12 and 15-25 are pending in this application.

Response to Arguments/Amendment

3.   Applicant's arguments with respect to claims 1-12 and 15-25 have been fully

considered but are not persuasive.

In response to the applicant's arguments that Tannenbaum does not disclose

"approving a request to execute the financial transaction without interaction from the

primary user and issuing a notification to the primary user when the request to execute

the financial transaction is approved", examiner submits that Tannenbaum discloses *the*

communication can occur for <u>certain of the purchases by category or by amount</u>

(column 3, lines 60-65), and *"if there is not a message is to be sent to the user, or to a*

third party, and if no other special action is to be taken, <u>then the system would proceed</u>

<u>normally</u>" (column 7, lines 55-58), thus, the system of Tannenbaum approves a request

to execute the financial transaction without interaction from the primary user when the

purchases are not fall into the <u>certain of the purchases by category or by amount.</u>

Moreover, Tannenbaum also discloses *the notification can be with the transaction or*

<u>thereafter</u> (column 7, lines 34-35) and *"this information can be delivered before the*

completion of the transaction or <u>afterward, and it could be contained on a receipt</u>

<u>generated at the POS</u>" (column 8, lines 30-35), thus, the system of Tannenbaum

notifies the primary user *after the completion of the transaction*. Therefore,

Tannenbaum does disclose "*approving a request to execute the financial transaction*

without interaction from the primary user and issuing a notification to the primary user

when the request to execute the financial transaction is approved."

4.   Applicant's amendment necessitated the new grounds of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-12 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum, U.S. Patent No. 7,254,548, in view of Ginter et al (hereinafter Ginter), U.S. Patent Application Publication No. 2002/0112171.

Regarding to claim 1, Tannenbaum discloses a method for providing control over transactions, comprising:

prompting a primary user, via a transaction control system implemented on a computer, to input financial notification data, the financial notification data operable for defining transaction controls associated with financial transaction initiated by a secondary user (*column 5, lines 25-30, the main user can edit the profile for any sub-account; column 6, line 7-column 7, line 43, the main user can log on to the system to edit the main user or sub-users profiles or establish new profiles; when third parties are to be notified, then the names of the third parties and mode of notification can be set*);

receiving and storing, via the transaction control system, the financial notification data (*column 7, lines 37-40, the notification data is stored in database 16 and profile 17*);

receiving, via the transaction control system, data relating to a financial transaction from a point of sale, the data associated with the secondary user (*column 4, lines 10-15, a parent could allow a child to have a credit card for the purpose of buying*

clothes, the child then selects is or her purchases at a location and runs card 11 through

the card reader at the point of sale);

retrieving, via the transaction control system, financial notification data related to

the financial transaction (*column 4, lines 10-15, the system, via profile 17, database 16,*

and processor 15, then recognizes that this is a card which is a sub-account card of a

main account);

sending a notification to the point of sale, via the transaction control system,

based upon the data relating to the financial transaction (*column 4, lines 15-25,*

processor 15 enables a communication to the third person identified by profiles 17 via

the communication 18, the purchase can only be completed if the third person responds

in a positive manner by pushing a button or speaking an acceptance word a set out in

the user's profile, the processor 15 then controls the acceptance back to the point of

sale); and

upon determining, via the transaction control system, that a transaction is not

acceptable (*column 8, lines 37-45, determining whether the transaction is to be*

inhibited);

approving a request to execute the financial transaction, via the transaction

control system, without interaction from the primary user and issuing a notification to the

primary user when the request to execute the financial transaction is approved (*column*

3, lines 60-65, the communication can occur for <u>certain of the purchases by category or</u>

<u>by amount</u>; column 7, lines 55-58, "if there is not a message is to be sent to the user, or

to a third party, and if no other special action is to be taken, <u>then the system would</u>

<u>proceed normally</u>"; column 7, lines 34-35, the notification can be with the transaction or

<u>thereafter ;</u> and column 8, lines 30-35, "this information can be delivered before the

completion of the transaction or <u>afterward, and it could be contained on a receipt</u>

<u>generated at the POS</u>"); and

returning to the secondary user a notice of suspension of the account privileges

(*figure 4, items 412, 416 and 417 and column 8, lines 40-45, if transaction is to be*

inhibited, the process blocks the transaction and sends blocking message to the user);

Tannenbaum does not disclose the financial notification data including a spending

type comprising a time limit imposed on usage of an item that is subject to the

transaction controls. However, Ginter discloses the financial notification data including a

spending type comprising a time limit imposed on usage of an item that is subject to the

transaction controls (*paragraph [2032], a consumer wants to control his family electronic*

appliance used of his VISA card and prevent his children from playing too many video

games; the consumer creates the second budget (time budget) is a "self-replenishing"

security/control budget, that allows, for example, two hours of use per day. The second

budget is added as a new required method to permissions records for video games.

Since the time budget is required to access the video games, an effective control path is

introduced for requiring the second budget--only permissions records modified to accept

the family budget can be used by the children for video games and they are limited to

two hours per day). Therefore, it would have been obvious to one with ordinary skill in

the art at the time the invention was made to modify Tannenbaum's to incorporate the

feature taught by Ginter above, for the purpose of setting control limits for video games.

Regarding to claim 2, Tannenbaum further discloses wherein said financial

notification data specify conditions for performing *at least one of*: denying a request to

execute the financial transaction; confirming an identity of the secondary user before

approving said financial transaction; and suspending future financial transaction

activities of the secondary user (*approving a request to execute the financial*

transaction, column 5, lines 5-17, confirming an identity of the secondary user before

approving said financial transaction, comparing the live picture of the user with the

picture in the database).

Regarding to claim 3, Tannenbaum further discloses wherein the spending type

further includes *at least one of*: a type of transaction; a listing of items or services

associated with the transaction; a type of merchant; a time of day; a spending limit; and

a location type (*column 7, lines 7-20, a listing of items or services associated with the*

transaction).

Regarding to claim 4, Tannenbaum further discloses:

presenting a user interface screen with a menu of transaction control items and

transaction control rules, the control items organized into, and presented via the user

interface as, categories (*figures 2 and 3A, column 5, lines 50-60, the system 20 in which*

user 200 is utilizing keyboard 22 and computer 23 to access his or her account via

communication links 201-1 and 210-2 and public network 24 to web portal 25; the user

can obtain account information any time on a category by category basis, or for

establishing various account categories, balances and sub-users);

wherein receiving the financial notification data from the primary user includes

receiving *one of* a user-selected control item, category of control item, and user-defined

control item from the primary user via the user interface screen (*figures 5-7 and column*

8, line 45-column 9, line 25).

Regarding to claim 5, Tannenbaum further discloses wherein the notification to

the point of sale and the primary user are presented via *at least one of*: a point of sale

terminal; a transaction receipt; a computer screen; a telephone; postal mail; a

messaging application; and an online service (*a point of sale terminal, column 4, lines*

10-25).

Regarding to claim 6, Tannenbaum further discloses wherein the notification to

the point of sale comprises *at least one of*: an account balance; an account shut-off; a

denial of a request to execute said financial transaction; a request for an additional

authorization code; and a request to check an identification of said secondary user (*a*

request to check an identification of said secondary user, column 5, lines 5-17).

Claims 7-12 are written in means and contain similar limitations found in claims 1-

6 above, therefore, are rejected by the same rationale. Moreover, Ginter discloses

wherein the control over transactions is provided by a cable television service provider

(paragraph [0060], cable or telecommunication companies). Therefore, it would have

been obvious to one with ordinary skill in the art at the time the invention was made to

modify Tannenbaum's to incorporate the feature taught by Ginter above, for the purpose

of allowing a cable television service provider to control over the transactions.

Claims 15-20 are written in computer storage medium that contains the same

limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Regarding to claims 21-23, Tannenbaum does not disclose wherein in the

primary user is a merchant. However, Tannenbaum does disclose the third parties, such

as parents, employers, debt counselors and *others*, could be notified *(column 3, line*

60-column 4, line 10). Moreover, notifying merchant regarding to a transaction is well

known in the art. Therefore, it would have been obvious to one with ordinary skill in the

art at the time the invention was made to modify Tannenbaum's to include "merchant" in

the third parties for notification regarding to the transaction, for the purpose of notifying

the merchant in order to enhance the security when executing the transaction involving

the sub-user account.

Regarding to claim 24, Tannenbaum does not disclose wherein the item is video

gaming and the transaction controls include setting limits on the item by: time, usage,

game type and total gaming cost. However, Tannenbaum discloses the transaction

controls include setting limits on the item by: usage, type and total cost *(column 7, lines*

7-20, a listing of items or services associated with the transaction). Moreover, Ginter

discloses wherein the item is video gaming and the transaction controls include setting

limits on the item by: time *(paragraph [2032], a consumer wants to control his family*

electronic appliance used of his VISA card and prevent his children from playing too

many video games; the consumer creates the second budget (time budget) is a "self-

replenishing" security/control budget, that allows, for example, two hours of use per day. The second budget is added as a new required method to permissions records for video games. Since the time budget is required to access the video games, an effective control path is introduced for requiring the second budget--only permissions records modified to accept the family budget can be used by the children for video games and they are limited to two hours per day). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tannenbaum's to incorporate the feature taught by Ginter above, for the purpose of setting control limits for video games.

Regarding to claim 25, Tannenbaum does not disclose wherein the control over transactions is provided by an application service provider. However, Ginter discloses wherein the control over transactions is provided by an application service provider (paragraph [0060], content providers, electronic hardware manufacturers, financial service providers, etc.). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tannenbaum's to incorporate the feature taught by Ginter above, for the purpose of allowing an application service provider to control over the transactions.

Conclusion

7.   Claims **1-12 and 15-25** are rejected.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9.   Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3684

November 18, 2009